

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

8/31/2021

JULIA C. DUDLEY, CLERK
BY: s/ CARMEN AMOS
DEPUTY CLERK

SOCIAL POSITIONING INPUT SYSTEMS, LLC,

§ § § § § § § § § §

Plaintiff,

Case No: 6:21CV00046

VS.

PATENT CASE

TRACK YOUR TRUCK, INC.,

Defendant.

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against Track Your Truck, Inc. (“Defendant” or “TYTI”) for infringement of United States Patent No. 9,261,365 (hereinafter “the ‘365 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with an address of 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4. On information and belief, Defendant is a Virginia corporation with its principal office located at 630 Wyndhurst Dr, Suite D, Lynchburg, VA, 24502. On information and belief, Defendant may be served through its agent, Robert J. Hall, 1214 Lake Pointe Dr., Forest, VA, 24551.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '365 Patent with sole rights to enforce the '365 Patent and sue infringers.

11. A copy of the '365 Patent, titled "Device, System and Method for Remotely Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12. The '365 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe

one or more claims, including at least Claim 1, of the ‘365 Patent by making, using (at least by having its employees, or someone under Defendant’s control, test the accused Product), importing, selling, and/or offering for sale associated hardware and software for asset locating services (e.g., NetTrack Mobile asset tracking platform, and any associated hardware, apps, or other software) (“Product”) covered by at least Claim 1 of the ‘365 Patent. Defendant has infringed and continues to infringe the ‘365 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides an asset tracking system for real-time GPS tracking of assets. A user can receive location information on a positional information device (e.g., mobile device or computer). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

When your company’s success depends on the safe and efficient operation of commercial vehicles, it’s critical to have the tools required to monitor and manage your fleet. Track Your Truck customers use the NetTrack truck tracking app to track assets while in use. You can view activities in real-time and collect a broad range of valuable data. Our powerful GPS mobile fleet management app is available for free download on your Android and Apple devices.

When connected to your vehicle GPS trackers, our fleet management app sends comprehensive tracking information right to your fingertips — anytime, anywhere. Your vehicles don’t stop when you’re out of the office, and your fleet tracking shouldn’t, either. From the most intuitive mapping technology to advanced reporting tools and exclusive mobile alerts, the NetTrack truck tracking app helps keep your operation on track and a mile ahead of the competition.

Source: <https://www.trackyourtruck.com/features/fleet-management-software/mobile-apps/>

Track Your Truck vehicle tracking solutions combine sophisticated GPS tracking technology with flexible, advanced mapping and reporting software. A GPS-enabled vehicle tracking device is installed on each vehicle to collect and transmit tracking data via a cellular or satellite network, whichever works best for your operations.

The device then delivers the data to Track Your Truck's application, NetTrack, which you can access through the web at any time. You receive real-time vehicle tracking updates, including location, direction, speed, idle time, start/stop and more — allowing you to manage a tighter schedule and a more efficient fleet.

Source: <https://www.trackyourtruck.com/how-it-works/>

Real-time tracking uses a GPS tracking device to send updates in ten second to two minute intervals to a fleet manager or dispatcher and lets them know the location of a vehicle.

When you receive these updates, available on all of our real-time GPS fleet tracking systems, you'll get an accurate sense of the day-to-day progress of your business. The live updates will provide you with detailed reports on your vehicles, employees and inventory at all times to help you meet your business needs.

Source: <https://www.trackyourtruck.com/gps-tracking-devices/live-vehicle-tracking/>



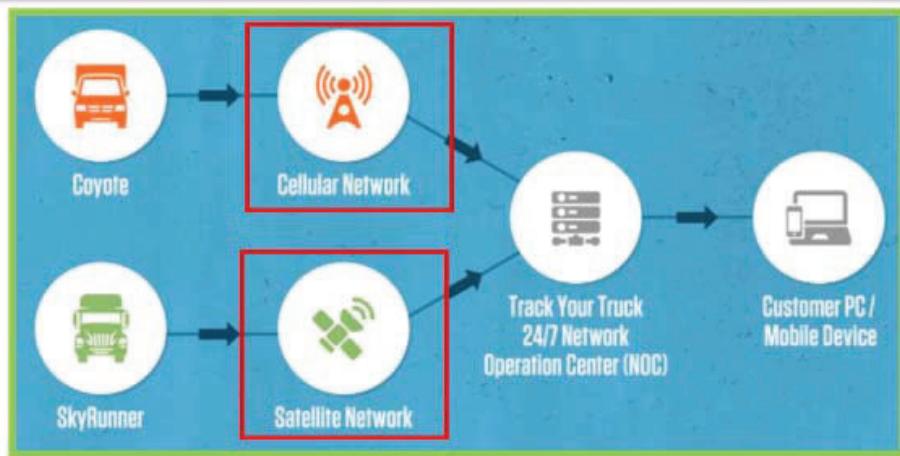
Source: <https://play.google.com/store/apps/details?id=com.trackyourtruck.mobile>

Source: <https://www.trackyourtruck.com/gps-tracking-devices/live-vehicle-tracking/premium-gps-plug-vehicle-tracker/>

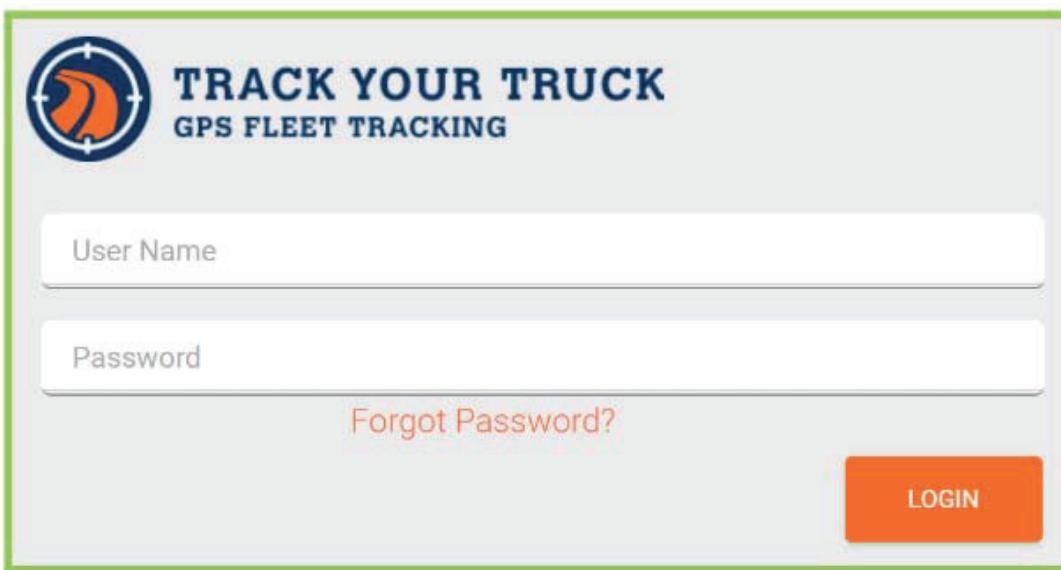
15. The Product software sends a request from a first (requesting) positional information device (e.g., mobile device or desktop with software installed) to a server. The request is for the real-time location (e.g., stored address) of an asset, and includes a first identifier of the requesting positional information device (e.g., user ID and password for the Product software used in the particular enterprise). The request is sent to the Product server for transmitting the asset location. The server receives the at least one address from a second (sending) positional information device at the asset (e.g., family member). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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Source: <https://www.trackyourtruck.com/how-it-works/>



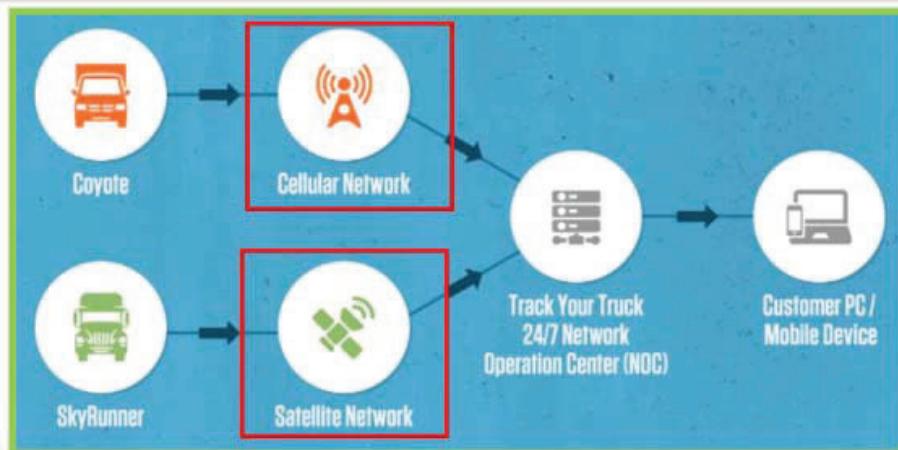
Source: <https://support.trackyourtruck.com/>

16. The at least one address is received from the server at the requesting positional

information device. For example the Product's server transmits the position of an asset (at least one address) to the requesting positional information device. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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Source: <https://www.trackyourtruck.com/how-it-works/>



Source: <https://play.google.com/store/apps/details?id=com.trackyourtruck.mobile>

Source: <https://www.trackyourtruck.com/gps-tracking-devices/live-vehicle-tracking/premium-gps-plug-vehicle-tracker/>

17. A second identifier for the second (sending) positional information device is determined based on the first identifier and the server retrieves the at least one address stored in the at least one sending positional information device. The Product application installed on the requesting positional information device requests (from the server) the asset's GPS location (i.e., at least one stored address stored). As shown above, before activating the tracker (i.e., the sending positional information device), a unique tracking device's ID number or credentials (i.e., second identifier) needs to be added to the user's account identified by the user login ID and password (i.e., the first identifier). Hence, the tracker device's ID number or asset credentials (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking the real-time location (i.e., at least one stored address stored) of the asset. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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The device then delivers the data to Track Your Truck's application, NetTrack, which you can access through the web at any time. You receive real-time vehicle tracking updates, including location, direction, speed, idle time, start/stop and more — allowing you to manage a tighter schedule and a more efficient fleet.

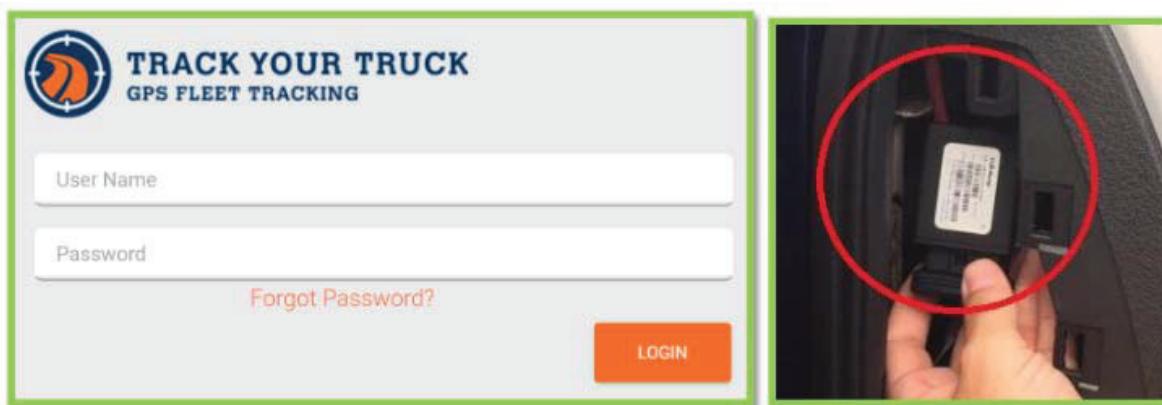
- ✓ Our *vehicle tracking devices* send a new GPS location update a minimum of every two minutes and typically more frequently as the device changes status / direction
- ✓ Track Your Truck's *Equipment tracker* utilizes satellite coverage to send its GPS messages, *allowing you to track your assets* in the most remote of areas
- ✓ Track your vehicles with GPS for real-time mapping with automatic refresh, *live tracking from your cellphone*, and detailed truck activity reports

Source: <https://www.trackyourtruck.com/how-it-works/>



Source: <https://play.google.com/store/apps/details?id=com.trackyourtruck.mobile>

Source: <https://www.trackyourtruck.com/gps-tracking-devices/live-vehicle-tracking/premium-gps-plug-vehicle-tracker/>



Source: <https://support.trackyourtruck.com/>

Source: <https://www.trackyourtruck.com/gps-tracking-devices/live-vehicle-tracking/premium-gps-plug-vehicle-tracker/>

18. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

19. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

20. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,261,365 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- (c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: August 26, 2021

Respectfully submitted,

/S/ James Edward Bowman II

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